Unofficial Copy R3 2004 Regular Session 4lr0441

(PRE-FILED)

By: **Delegate Owings**Requested: August 20, 2003

Introduced and read first time: January 14, 2004

Assigned to: Judiciary

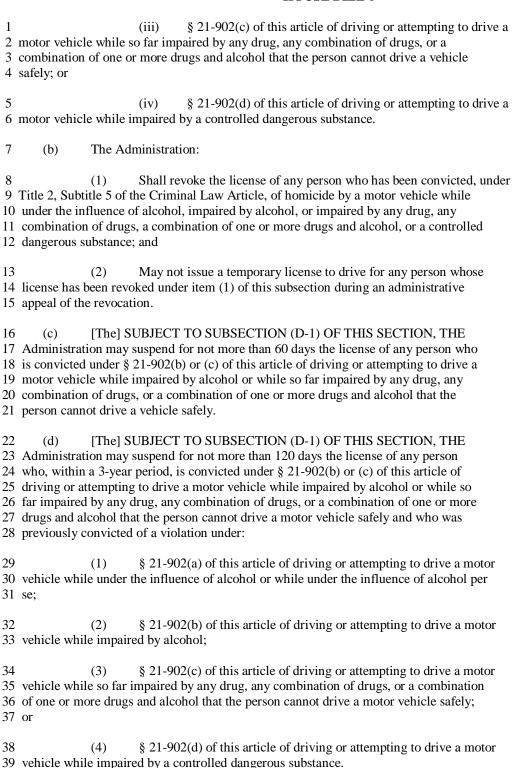
A BILL ENTITLED

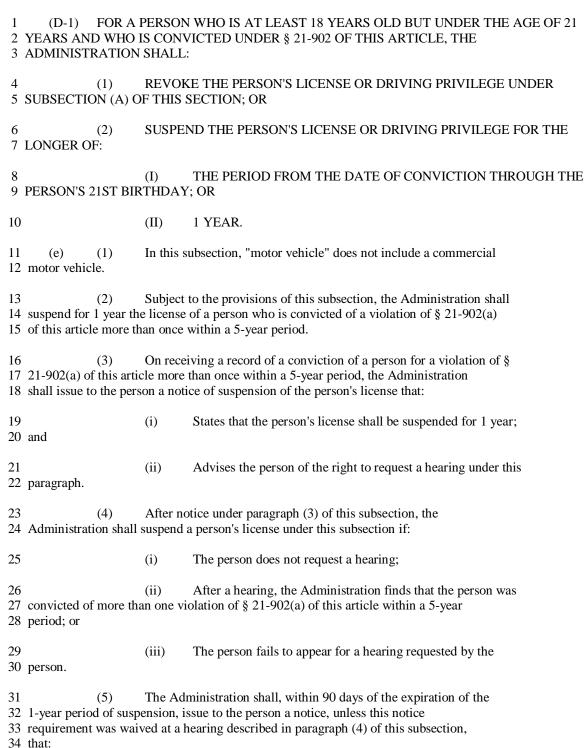
4	4 % T	1 000	•
1	AN	ACT	concerning
-	'		

2	Drunk and Drugged Driving - Young Drivers - License Suspension and
3	Revocation

- 4 FOR the purpose of requiring the Motor Vehicle Administration to revoke or suspend
- 5 for certain periods of time the driver's license or driving privilege of a person
- 6 under a certain age who is convicted of certain alcohol- or drug-related motor
- 7 vehicle violations; prohibiting the Administration from modifying certain
- 8 suspensions of a person's driver's license or driving privilege; requiring the
- Administration to return a suspended driver's license or reinstate a suspended
- driving privilege after the suspension expires under certain circumstances;
- prohibiting the Administration from reinstating a revoked license or driving
- privilege of a certain person for certain periods of time; making a stylistic
- change; and generally relating to license suspensions and revocations for
- 14 alcohol- or drug-related motor vehicle violations by certain persons.
- 15 BY repealing and reenacting, with amendments,
- 16 Article Courts and Judicial Proceedings
- 17 Section 3-8A-23(a)(4)(i)
- 18 Annotated Code of Maryland
- 19 (2002 Replacement Volume and 2003 Supplement)
- 20 BY repealing and reenacting, with amendments,
- 21 Article Transportation
- 22 Section 16-205, 16-206(b), and 16-208(b)
- 23 Annotated Code of Maryland
- 24 (2002 Replacement Volume and 2003 Supplement)
- 25 BY repealing and reenacting, without amendments,
- 26 Article Transportation
- 27 Section 21-902
- 28 Annotated Code of Maryland
- 29 (2002 Replacement Volume and 2003 Supplement)

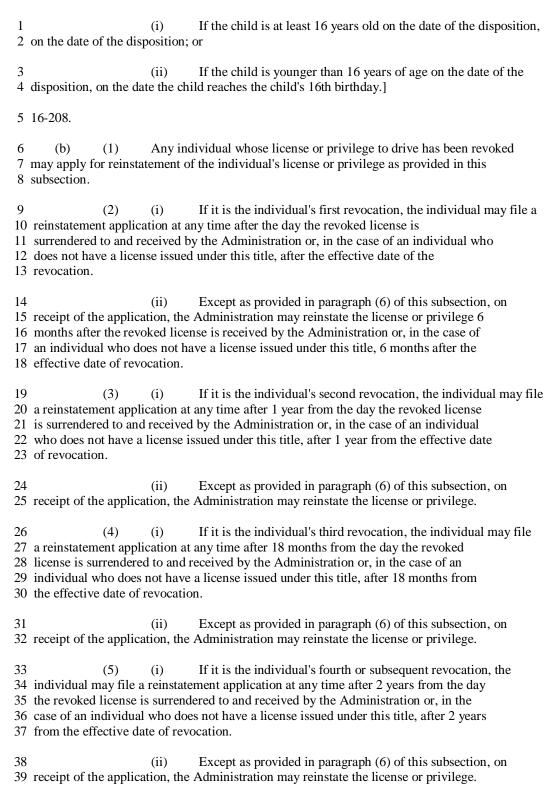
1	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
3	Article - Courts and Judicial Proceedings
4	3-8A-23.
7 8	(a) (4) (i) An adjudication of a child as delinquent by reason of the child's violation of § 21-902 of the Transportation Article or a finding that a child has committed a delinquent act by reason of the child's violation of § 21-902 of the Transportation Article, without an adjudication of the child as delinquent, shall be reported by the clerk of the court to the Motor Vehicle Administration which shall:
12	1. [For a violation of § 21-902(a) or (d) of the Transportation Article, revoke] REVOKE the child's driving privilege UNDER § 16-205(A) OF THE TRANSPORTATION ARTICLE in the same manner and to the same effect as if the child had been convicted of the offense; OR
	2. [For a first violation of § 21-902(b) or (c) of the Transportation Article, suspend] SUSPEND the child's driving privilege [for 6 months; and
	3. For a second or subsequent violation of § 21-902(b) or (c) of the Transportation Article, suspend the child's driving privilege for 1 year] UNTIL THE CHILD IS 21 YEARS OLD.
20	Article - Transportation
21	16-205.
22	(a) The Administration may revoke the license of any person who:
25	(1) Is convicted under § 21-902(a) or (d) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by a controlled dangerous substance; or
29 30	(2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely and who was previously convicted of any combination of two or more violations under:
	(i) § 21-902(a) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while under the influence of alcohol per se;
35 36	(ii) § 21-902(b) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol;





			States that the person shall maintain for not less than 3 months g from the expiration of the 1-year period of k system on each motor vehicle owned by the person;			
6 7	equipped with an ignit	ion inter	States that the Administration shall impose a restriction on the he person from driving a motor vehicle that is not lock system for a period of not less than 3 months and om the expiration of the 1-year period of suspension;			
9 10	paragraph.	(iii)	Advises the person of the right to request a hearing under this			
13 14 15	(6) After notice under paragraph (5) of this subsection, or a waiver of notice, the Administration shall order a person to maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, an ignition interlock system on each motor vehicle owned by the person and impose a license restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system if:					
17		(i)	The person does not request a hearing;			
20	(ii) The Administration finds at a hearing that the person owns one or more motor vehicles and that no financial hardship, as described in paragraphs (7) and (8) of this subsection, will be created by requiring the person to maintain an ignition interlock system on each motor vehicle owned by the person; or					
22 23	person.	(iii)	The person fails to appear for a hearing requested by the			
26	ignition interlock syst	em on a	dministration finds at a hearing that maintenance of an motor vehicle owned by the person creates a financial mily of the person, or a co-owner of the motor vehicle,			
30	less than 3 months an period of suspension,	that proh	Shall impose a restriction on the license of the person for not re than 1 year, dating from the expiration of the 1-year nibits the person from driving any motor vehicle that is interlock system; and			
32 33		(ii) vehicle to	May not require the person to maintain an ignition interlock o which the financial hardship applies.			
34 35	(8) under circumstances t		nption under paragraph (7)(ii) of this subsection applies only			
36		(i)	Are specific to the person's motor vehicle; and			
37 38	the Administration.	(ii)	Meet criteria contained in regulations that shall be adopted by			

1 (9)If a person requests a hearing and the Administration finds that the 2 person does not own a motor vehicle at the expiration of the 1-year period of 3 suspension, the Administration shall impose a restriction on the license of the person 4 for not less than 3 months and not more than 1 year, dating from the expiration of the 5 1-year period of suspension, that prohibits the person from driving any motor vehicle 6 that is not equipped with an ignition interlock system. 7 Each notice and hearing under this subsection shall meet the (10)8 requirements of Title 12, Subtitle 2 of this article. This subsection does not limit any provision of this article that allows (11)10 or requires the Administration to: 11 (i) Revoke or suspend a license of a person; or 12 (ii) Prohibit a person from driving a motor vehicle that is not 13 equipped with an ignition interlock system. 14 A suspension imposed under this subsection shall be concurrent with (12)15 any other suspension or revocation imposed by the Administration that arises out of 16 the circumstances of the conviction for a violation of § 21-902(a) of this article 17 described in this subsection. 18 Subject to paragraph (2) of this subsection, the Administration may 19 modify any suspension under this section or any suspension under § 16-205.1 of this 20 subtitle and issue a restrictive license to a licensee who participates in the Ignition 21 Interlock System Program established under § 16-404.1 of this title. 22 The Administration may not modify a suspension and issue a 23 restrictive license during a mandatory period of suspension described in subsection 24 (D-1) OR (e) of this section OR § 16-206(B) OF THIS SUBTITLE. 25 When a suspension imposed under [subsections] SUBSECTION (c), (d), 26 (D-1), or (e) of this section OR § 16-206(B) OF THIS SUBTITLE expires, the 27 Administration immediately shall return the license or reinstate the privilege of the 28 driver, unless the license or privilege has been refused, revoked, suspended, or 29 canceled under any other provisions of the Maryland Vehicle Law. 30 16-206. 31 Upon notification by the clerk of the court that a child has been 32 adjudicated delinquent for a violation of § 21-902 of this article, or that a finding has 33 been made that a child violated § 21-902 of this article, the Administration shall 34 suspend or revoke the driving privilege of the child in accordance with § 35 3-8A-23(a)(4)(i) of the Courts Article. 36 If a child subject to a suspension or revocation under this subsection 37 does not hold a license to operate a motor vehicle on the date of the disposition, the 38 suspension or revocation shall commence:



		he license	ministration may not reinstate a license or privilege to e or privilege has been refused, revoked, provision of the Maryland Vehicle Law.
4 5	(ii) driving incident" means a:	1.	In this subparagraph, "alcohol-related or drug-related
	§ 21-902(a), (b), (c), or (d) of jurisdiction;	A. this article	Conviction or probation before judgment for a violation of e or a substantially similar law of another
9 10	a substantially similar law of a	B. another ju	Refusal to submit to a test under § 16-205.1 of this title or arisdiction; or
	or more at the time of testing law of another jurisdiction.	C. under § 1	Test result that indicates an alcohol concentration of 0.10 6-205.1 of this title or a substantially similar
16	committed at the same time or		Alcohol-related or drug-related driving incidents out of the same circumstances may not be drug-related driving incidents for the purpose
20 21	subsection, the Administration after an investigation of an inc	dividual's	Notwithstanding paragraphs (1) through (5) of this instate a license or privilege to drive only if, habits and driving ability, the Administration e license or privilege of an individual who has
23 24	alcohol-related or drug-related	A. d driving	Involved in any combination of three or more separate incidents;
25 26	another person; or	B.	Involved in a vehicular accident resulting in the death of
27 28	accident resulting in bodily in	C. jury or de	Convicted of a violation for failing to stop after a vehicular eath.
31 32	SUBSECTION, THE ADMIN PRIVILEGE TO DRIVE OF	NISTRAT A PERSC	NDING PARAGRAPHS (1) THROUGH (6) OF THIS TON MAY NOT REINSTATE THE LICENSE OR ON UNDER THE AGE OF 21 YEARS WHOSE LICENSE -205 OR § 16-206(B) OF THIS SUBTITLE UNTIL THE
34	(I)	THE PE	ERSON'S 21ST BIRTHDAY; OR
37	LICENSE IS SURRENDERE CASE OF AN INDIVIDUAL	D TO AN	IME AFTER 1 YEAR FROM THE DAY THE REVOKED ND RECEIVED BY THE ADMINISTRATION OR, IN THE OES NOT HAVE A LICENSE ISSUED UNDER THIS REFECTIVE DATE OF REVOCATION

- 1 (8) Except as otherwise provided in this title, before issuing a new 2 license, the Administration shall require the applicant to submit to the examinations 3 that it considers appropriate.
- 4 21-902.
- 5 (a) (1) A person may not drive or attempt to drive any vehicle while under 6 the influence of alcohol.
- 7 (2) A person may not drive or attempt to drive any vehicle while the 8 person is under the influence of alcohol per se.
- 9 (b) A person may not drive or attempt to drive any vehicle while impaired by 10 alcohol.
- 11 (c) (1) A person may not drive or attempt to drive any vehicle while he is so
- 12 far impaired by any drug, any combination of drugs, or a combination of one or more
- 13 drugs and alcohol that he cannot drive a vehicle safely.
- 14 (2) It is not a defense to any charge of violating this subsection that the
- 15 person charged is or was entitled under the laws of this State to use the drug,
- 16 combination of drugs, or combination of one or more drugs and alcohol, unless the
- 17 person was unaware that the drug or combination would make the person incapable
- 18 of safely driving a vehicle.
- 19 (d) A person may not drive or attempt to drive any vehicle while the person is
- 20 impaired by any controlled dangerous substance, as that term is defined in § 5-101 of
- 21 the Criminal Law Article, if the person is not entitled to use the controlled dangerous
- 22 substance under the laws of this State.
- 23 (e) For purposes of the application of subsequent offender penalties under §
- 24 27-101 of this article, a conviction for a crime committed in another state or federal
- 25 jurisdiction that, if committed in this State, would constitute a violation of subsection
- 26 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b),
- 27 (c), or (d) of this section.
- 28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 29 October 1, 2004.